

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA

v.

CARLOS HECTOR RUELAS

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Criminal No. 1:05cr442

ORDER

This matter is before the Court on the government's motion for the issuance of an immediate order staying the release of defendant Carlos Hector Ruelas in this matter pending a hearing on whether his release on conditions should be terminated or revoked pursuant to 18 U.S.C. § 3145(a)(1).

It appears from the record that this defendant was arrested in Orlando, Florida on the basis of a warrant issued in this district charging defendant with narcotics and weapons offenses. Given that the charges give rise to a rebuttable presumption under 18 U.S.C. § 3142(f)(1) that no condition or combination of conditions will reasonable assure the safety of the community, and given the strength of the evidence against defendant proffered by the government, it appears that defendant may represent a substantial or serious risk of danger to the community, as well as a risk of flight. Accordingly, the government seeks revocation of his release pursuant to 18 U.S.C. § 3145(a)(1). Yet, because defendant is due to be released on December 9, 2005, and because it may not be practical to hold a § 3145(a)(1) revocation hearing before this date, the government seeks an immediate stay of his release order.

Accordingly, for these reasons, and for good cause shown,

It is **ORDERED** that the release order issued in the Middle District of Florida, Case No.

6:05-mj-03189-KRS is **STAYED** pending the outcome of a detention hearing in this district.¹

It is further **ORDERED** that a detention hearing in this matter will be held at 3:00 p.m., Monday, December 12, 2005, or as soon thereafter as may be possible.

It is further **ORDERED** that if defendant qualifies, the Clerk is **DIRECTED** to take prompt steps to appoint counsel to represent defendant in this district.

The Clerk is directed to send a copy of this Order to the Marshals Service, the Pretrial Services Office, the Middle District of Florida and all counsel of record.

/s/

T. S. Ellis, III
United States District Judge

Alexandria, VA
December 8, 2005

¹ It is important to note that this district has jurisdiction to review the Florida release order. *See United States v. Torres*, 86 F.3d 1029, 1031 (11th Cir. 1996) (recognizing that the review of a magistrate judge's bail determination under § 3145 must be conducted in the district where the prosecution is pending, not in the district where the magistrate judge sits); *United States v. Evans*, 62 F.3d 1233, 1237 (9th Cir. 1995) (same); *United States v. El-Edwy*, 272 F.3d 149, 154 (2d Cir. 2001) (same). A review of the release order is conducted *de novo*. *See United States v. Reuben*, 974 F.2d 580, 585 (5th Cir. 1992); *cf. United States v. Clark*, 865 F.2d 1433, 1436 (4th Cir. 1989) (review of detention order is *de novo*).